REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indications that claims 18-20 are allowed and claims 21 and 22 contain allowable subject matter and would be allowed if rewritten in independent form.

In the Official Action, the Examiner rejects claims 1, 2, 5-8, 10 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0051766 to Gazdzinski (hereinafter "Gazdzinski") in view of U.S. Patent Application Publication No. 2002/0177884 to Ahn et al., (hereinafter "Ahn").

In response, independent claims 1 and 10 have been amended to include the features of allowable claims 21 and 22, respectively. The amendment to claims 1 and 10 are fully supported in the original disclosure, particularly at claims 21 and 22. Furthermore, since claims 21 and 22 were previously presented, the amendment to claims 1 and 10 to include the features of claims 21 and 22 do not raise a new issue. Accordingly, it is respectfully requested that the present amendment be entered by the Examiner and considered on the merits.

Consequently, independent claims 1 and 10 are not rendered obvious by the cited references because neither the Gazdzinski patent application nor the Ahn patent application, whether taken alone or in combination, teach or suggest a wireless in-vivo information acquiring system and a body-insertable device, respectively, having the features recited in allowable claims 21 and 22, respectively. Accordingly, claims 1 and 10 patentably distinguish over the prior art and are allowable. Claims 2, 5-8 and 13-16 being dependent upon claims 1 and 10 are thus at least allowable therewith. Consequently, the Examiner is

-9-

G:\Olympus\1710\17648\Amend\17648.am2.doc

respectfully requested to withdraw the rejection of claims 1, 2, 5-8, 10 and 13-16 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

Thomas Spinelli Registration No. 39,533

Scully, Scott, Murphy & Presser, P.C. 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343 TS:cm